

10- C-0037

(Do Not Write Above This Line)

An Ordinance U-09-24
By Councilmember

An Ordinance granting a Special Use Permit for a Day Care Center pursuant to Section 16-06.005 (1) (b) for property located at 779 Atwood Street, SW, fronting approximately 120 feet on the west side of Atwood Street, approximately 67 feet southwest of the intersection of Atwood Street and Donnelly Avenue. Depth: Varies
Area: Approximately 0.366 Acre
Land Lot: 139, 14th District, Fulton County, Georgia
Owner: Pan African Orthodox Christian Church
Applicant: Terrence Raye
NPU-T Council District 4

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred 1/4/10

Referred To: ZIRB+Zoning

Date Referred ADOPTED BY

Referred To:

Date Referred FEB 13 2010

Referred To: COUNCIL

First Reading
Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Members

Fav, Adv, Hold (see rev. side)
As Adopted

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

FINAL COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

FEB 13 2010

RECEIVED
FEB 13 2010
Randy Thompson
MUNICIPAL CLERK

MAYOR'S ACTION

[Signature]

AS AMENDED



Municipal Clerk
Atlanta, Georgia

10-O-0037

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

U-09-24

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-06.005 (1) (b) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **DAY CARE CENTER** is hereby granted. Said use is granted to **PAN AFRICAN ORTHODOX CHRISTIAN CHURCH** and is to be located at **779 ATWOOD STREET, S.W.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 139, 14th District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

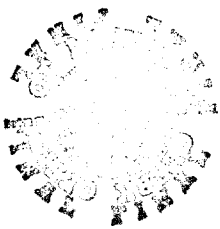
SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,


Deputy Clerk

ADOPTED as amended by the Council
APPROVED by Mayor Kasim Reed

FEB 15, 2010
FEB 23, 2010



CONDITIONS FOR U-09-24 for 779 Atwood Street, S.W.

1. The Special Use Permit shall only be valid as long as Pan African Orthodox Christian Church is the owner and operator.
2. The day care facility shall be restricted to no more than 28 children.
3. The facility shall provide a minimum of 4 parking spaces by utilizing the contiguous lot located to the south of the facility which is also under the same ownership as the proposed day care facility.
4. The Special Use Permit shall be valid for a duration of five (5) years from the date of approval by the City Council.
5. Plan dated April 10, 2009 and marked received by the Bureau of Planning on October 13, 2009.

VICINITY MAP
NOT TO SCALE

1	0	PF	17/2" IRON PIN SET
2	0	RF	IRON PIN ROUND
3	0	AF	ANGLE IRON ROUND
4	08	PG	DEED BOOK & PAGE
5	0	PA	PLAT BOOK & PAGE
6	0	PP	POWER POLE
7	0	PR	POWER POLE, 1 MISER
8	0	PM	ELECTRIC METER
9	0	PL	HEATING/AC CONDITIONING UNIT
10	0	AC	FIRE HYDRANT
11	0	WA	WATER VALVE
12	0	WM	WATER METER
13	0	CD	CLEARING
14	0	SP	SIGN POST
15	0	X	COMPUTED POINT
16	0	E	OVERHEAD ELECTRIC LINE
17	0	—	BROKEN LINE NOT TO SCALE
18	0	UNSS	SEWAGE SUMP UNLOC
19	0	BLSS	BUILDING SETBACK LINE
20	0	CLF	CHAIN LINK FENCE
21	0	CP	CONCRETE PAD
22	0	CP	CONCRETE PAD, FLOOD
23	0	TH	TAX PARCEL TO NUMBER
24	0	PC	POINT OF CURVATURE
25	0	PC	POINT OF TANGENCY
26	0	—	DEED CALL FOR DISTANCE
27	0	—	—
28	0	—	—
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100	0	—	—

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM VISIBLE FIELD EVIDENCE INFORMATION ONLY. THE UNDERGROUND SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPOSE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THEIR EXACT LOCATION. ADDITIONAL BURIED UTILITY LINES AND/OR STRUCTURES MAYBE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITY LINES AND/OR STRUCTURES.

- 1) CERTIFICATION AND DECLARATION IS MADE TO THE ENTITIES AS LISTED IN THE BLOCK AND/OR CERTIFICATIONS, THE CERTIFICATIONS AND DECLARATIONS ON THE PLAIN BLOCK ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSIDIARY OWNERS.
- 2) SUBSTANTIAL AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS PART OF THE STUDY. NO STATEMENT IS MADE CONCERNING THE EFFECTS OF THE STUDY OR THE EFFECTS OF THE STUDY ON FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
- 3) THE UNDERSIGNED SIGNOR HAS MADE AN INVESTIGATION OF INDEPENDENT SEARCH FOR EASEMENTS OR RECORD ENCUMBRANCES, RESTRICTIVE COVENANTS, TITLE SEARCH AND RECORDS.
- 4) PURSUANT TO RULE 106-103 OF THE GEORGIA STATE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND SURVEYORS, THE SIGNOR HAS BEEN ADVISED OF THE PROFESSIONAL ENGINEERING AND SURVEYING SERVICES STANDARDS APPLIED TO A STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

MAGNETIC NORTH

BOUNDARY SURVEY FOR

PAN AFRICAN ORTHODOX CHRISTIAN CHURCH, INC.

LAND LOT 139 14TH DISTRICT CITY OF ATLANTA FULTON COUNTY, GEORGIA

RECEIVED
OCT 13 2009
Bureau of
Planning

VALENTINO & ASSOCIATES, INC.
LAND SURVEYORS

1280 WINCHESTER PARKWAY SUITE 243 SMYRNA, GEORGIA 30080
PHONE (770) 438-0015 FAX (770) 435-6050

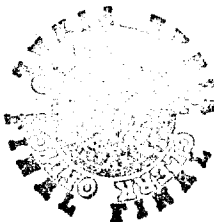
FIELD DATE: 4/1/08

CERTIFICATION

IT CERTAINLY THAT THIS SURVEY WAS DONE UNDER AN SUPERVISION USING A TORQUE 302 TOTAL STATION WITH AN ANGULAR ERROR OF 2 SECONDS PER STATION. THE TRANSFERE UPON WHICH THIS PLAT IS BASED, HAS BEEN CALCULATED FOR CLOSURE BY THE LEAST SQUARES RULE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 33,078 FEET. THE ADJUSTED ACCURACY OF THIS PLAT IS ONE FOOT IN 89,396 FEET.

**BEECHER STREET
(APPROX 50' R/W)**

DONNELLY AVENUE
(R/W VARIES)



Deed Book 37935 Pg. 190
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia

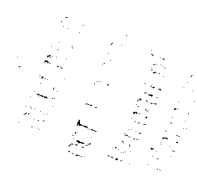
EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 139 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

Beginning at an iron pin found in the West line of Atwood Street 150.0 feet North of the North right of way line of Beecher Street; running thence South 89 degrees 40 minutes 30 seconds West a distance of 302.33 feet to an iron pin there found; running thence South 02 degrees 12 minutes 00 seconds East a distance of 150.0 feet to an iron pin found in the North line of Beecher Street; running thence West 20.5 feet on and along the North line of Beecher Street to an iron pin there found; running thence North 01 degrees 57 minutes 40 seconds West a distance of 304.60 feet to an iron pin there found; running thence North 02 degrees 37 minutes 20 seconds West a distance of 171.86 feet to an iron pin there found; running thence South 56 degrees 58 minutes 20 seconds East a distance of 165.0 feet to an iron pin there found; running thence North 78 degrees 41 minutes 00 seconds East a distance of 42.91 feet to an iron pin there found; running thence North 34 degrees 21 minutes 00 seconds East a distance of 120.0 feet to an iron pin found in the Southwesterly line of Donnelly Avenue; running thence South 55 degrees 39 minutes 00 seconds East on and along the Southwesterly line of Donnelly Avenue; a distance of 96.50 feet to an iron pin at the point of intersection of the Southwesterly line of Donnelly Avenue with the westerly line of Atwood Street; running thence South 01 degrees 30 minutes 20 seconds East on and along the westerly line of Atwood Street a distance of 120.0 feet to an iron pin there set; thence continuing South 01 degrees 30 minutes 20 seconds East on and along the West line of Atwood Street a distance of 168.15 feet to the point of beginning; being improved property known as 779 Atwood Street, according to the present system of numbering houses in the City of Atlanta, Georgia, as shown on plat of survey prepared by Eston Pendley and Associates, Inc. dated June 14, 1988.

Being the same property as described in those deeds recorded in Deed Book 18748, Page 50, and in Deed Book 18748, Page 53, Fulton County, Georgia Records.

V-09-24



RCS# 73
2/15/10
2:51 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

10-O-0040, 10-O-0037, 10-O-0043

ADOPT AS AMEND

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	NV Willis
Y Winslow	Y Adrean	NV Sheperd	NV Mitchell

MULTIPLE